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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,697	06/14/2001	Stephen C. Goss	16-12-22-6-5-6-18-11-13	9338

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EXAMINER	
NGUYEN, JOSEPH D	

ART UNIT	PAPER NUMBER
2683	5

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/882,697	Applicant(s) GOSS ET AL.	
	Examiner Joseph D Nguyen	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 March 2004*.

2a)☒ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-6, 10, 11-16, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss et al. (6,65,255) in view of Friedes et al. (5,311,583).

Regarding claim 1, Goss et al. discloses in a mobile cellular switching network, a method of establishing a cellular call (fig. 1) comprising the steps of:

if a radio traffic channel for a mobile station (MS) is available, establishing said call over the available channel (abstract, fig. 2-3). However, Goss et al. does not specifically disclose if no channel is available, permitting the caller to disconnect while the network waits for a channel to become available, and when a channel becomes available for said call, calling back the caller, and establishing the requested call.

Friedes et al. teaches:

a) if no channel is available, permitting the caller to disconnect while the network waits for a channel to become available (abstract, fig. 4, col. 6 lines 32-67);

b) when a channel becomes available for said call, calling back the caller (abstract, fig. 4-5, col. 6 line 32 thru col. 7 line 56); and

c) establishing the requested call (abstract, fig. 4-5, col. 6 line 32 thru col. 7 line 56). Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the Goss et al. with the teaching of Friedes et al. of calling back the caller when the channel is available in order to avoid high incidences of repeated unsuccessful call attempts cause increased congestion and reduced traffic-carrying capacity in a network.

Regarding claim 2, Goss et al. further discloses the method of claim 1, wherein prior to having said caller disconnect, the system tests to determine whether the expected wait time for an available channel exceeds a first threshold (abstract, fig. 2-3). However, Goss et al. does not specifically disclose offering call-back service only for those cases in which the expected wait time exceeds said first threshold.

Friedes et al. teaches offering call-back service only for those cases in which the expected wait time exceeds said first threshold (abstract, fig. 4-5, col. 6 line 32 thru col. 7 line 56). Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the Goss et al. with the teaching of Friedes et al. of offering the call-back to the caller when the channel is available in order to avoid high incidences of repeated unsuccessful call attempts cause increased congestion and reduced traffic-carrying capacity in a network.

Regarding claim 3, Goss et al. further discloses the method of claim 1, further comprising the step of: prior to calling said caller back, testing whether the called party is busy (fig. 2-3, col. 3 line 46 thru col. 4 line 59); if the called party is busy, avoiding the attempt to establish a connection to the called party (fig. 2-3, col. 3 line 46 thru col. 4 line 59).

Regarding claim 4, Goss et al. further discloses the method of claim 3, further comprising the step of: returning a busy signal to the calling party (fig. 2-3, col. 3 line 46 thru col. 4 line 59).

Regarding claim 5, Goss et al. further discloses The method of claim 1, wherein prior to having said caller disconnect, the system tests to determine whether the expected wait time for an available channel exceeds a first threshold (abstract, fig. 2-3, col. 3 line 46 thru col. 4 line 59); if the expected wait time for an available channel exceeds a first threshold (col. 3 lines 46 thru col. 4 lines 12), offering call-back service to the caller; if the expected wait time does not exceed a first threshold (abstract), the system waits until the lapse of a second threshold smaller than that first threshold (col. 3 lines 46 thru col. 4 lines 12); and if no channel is available after the lapse of the second threshold, offering call-back service to the caller (fig. 2-3, col. 3 lines 46 thru col. 4 lines 12). However, Goss et al. does not specifically disclose offering the call-back service after each elapse of time.

Friedes et al. teaches offering call-back service only for those cases in which the expected wait time exceeds threshold (abstract, fig. 4-5, col. 6 line 32 thru col. 7 line

56). Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the Goss et al. with the teaching of Friedes et al. of offering the call-back to the caller when the channel is available in order to avoid high incidences of repeated unsuccessful call attempts cause increased congestion and reduced traffic-carrying capacity in a network.

Regarding claim 6, Friedes et al. further discloses the method of claim 1, wherein the step of calling back the caller comprises the step of: calling back the caller, using a distinctive ringing signal (col. 3 lines 36-58).

Regarding claim 10, Friedes et al. further discloses the method of claim 1, further comprising the steps of: retaining a call record of said call during the interval between the time that the caller disconnects and a time when the caller is called back; wherein said call record comprises a calling and a called number (fig. 5-6, col. 5 lines 5-57, and col. 7 line 18 thru col. 8 line 29).

Regarding claim 11, Goss et al. discloses in a mobile cellular switching network, an apparatus for establishing a cellular call (abstract, fig. 1) comprising the steps of:

if a radio traffic channel for a mobile station (MS) is available, establishing said call over the available channel (abstract, fig. 2-3). However, Goss et al. does not specifically disclose if no channel is available, permitting the caller to disconnect while the network waits for a channel to become available, and when a channel becomes available for said call, calling back the caller, and establishing the requested call.

Friedes et al. teaches:

a) if no channel is available, permitting the caller to disconnect while the network waits for a channel to become available (abstract, fig. 4, col. 6 lines 32-67);

b) when a channel becomes available for said call, calling back the caller (abstract, fig. 4-5, col. 6 line 32 thru col. 7 line 56); and

c) establishing the requested call (abstract, fig. 4-5, col. 6 line 32 thru col. 7 line 56). Therefore, it would have been obvious to one ordinary skilled in the art at the time the invention was made to modify the Goss et al. with the teaching of Friedes et al. of calling back the caller when the channel is available in order to avoid high incidences of repeated unsuccessful call attempts cause increased congestion and reduced traffic-carrying capacity in a network.

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 13, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 9.

Regarding claim 20, this claim is rejected for the same reason as set forth in claim 10.

3. Claims 7-9, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goss et al. (6,658,255) in view of Friedes et al. (5,311,583) and further in view of Chow et al (6,654,615).

Regarding claim 7, in the modify Goss et al. system, Goss et al. further discloses the method of claim 1, wherein the service of calling back the caller (col. 3 lines 46 thru col. 4 lines 12). However Goss et al. does not specifically disclose the call back the caller is offered only to subscribers of that service.

Chow et al. teaches the call back the caller is offered only to subscribers of that service (col. 82 line 48 thru col. 86 line 44). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Goss et al. system with the teaching of Chow et al. of call back service in order to free the user from re-dialing the same busy number or unavailable channel repeatedly.

Regarding claim 8, Chow et al. further discloses the method of claim 7, wherein subscribers of said service are provided with a default treatment, and wherein

subscribers of that service can override the default treatment; wherein the default treatment is one of automatic call-back, and no call-back (col. 82 line 48 thru col. 86 line 44). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Goss et al. system with the teaching of Chow et al. of call back service in order to free the user from re-dialing the same busy number or unavailable channel repeatedly.

Regarding claim 9, in the modify Goss et al. system, Goss et al. further discloses the method of claim 1. However, Goss et al. does not specifically disclose wherein if the caller originates a new call while waiting for a call-back, the call-back request is canceled.

Chow et al. teaches if the caller originates a new call while waiting for a call-back, the call-back request is canceled (col. 86 line 31 thru col. 90 line 8). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Goss et al. system with the teaching of Chow et al. of call back service in order to free the user from re-dialing the same busy number or unavailable channel repeatedly.

Regarding claim 17, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 9.

Response to Amendment

4. Applicant's arguments filed 03/04/2004 have been fully considered but they are moot in view of the new ground(s) of rejection.

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

703 308-9051, (for formal communication intended for entry)

Or:

(703) 305-9509 (for informal or draft communications, please label "PROPOSED" OR "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA. Sixth floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D Nguyen whose telephone number is (703) 605-1301. The examiner can normally be reached on 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Joseph Nguyen

May 05, 2004

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600